

# In the United States Court of Federal Claims

No. 18-1338  
(Filed: January 3, 2019)

\*\*\*\*\*  
MOSES EUGENE BARKER, \*  
\*  
Plaintiff, \*  
\*  
v. \*  
\*  
THE UNITED STATES, \*  
\*  
Defendant. \*  
\*\*\*\*\*

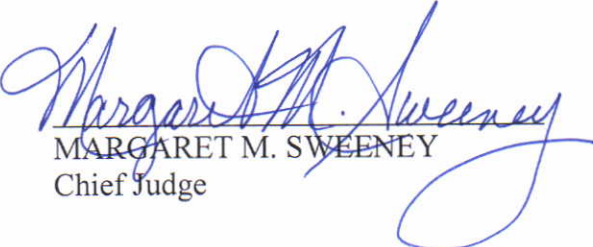
## ORDER

Plaintiff, proceeding pro se, initiated a lawsuit in this court in August 30, 2018. On October 16, 2018, defendant moved to dismiss plaintiff's complaint pursuant to Rule 12(b)(1) and (6) of the Rules of the United States Court of Federal Claims ("RCFC"). In accordance with RCFC 7.2(b) and RCFC 6(d), plaintiff's response to the motion was due by November 15, 2018.

On November 26, 2018, the court issued an Order directing plaintiff to file a response to defendant's motion by no later than December 26, 2018, and warning him that failure to do so might result in the dismissal of his complaint for failure to prosecute. As of the date of this Order, plaintiff has not filed a response.

Therefore, pursuant to RCFC 41(b), plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. No costs. The clerk is directed to enter judgment accordingly.

**IT IS SO ORDERED.**

  
MARGARET M. SWEENEY  
Chief Judge